



January 16, 2004

## SENATE BILL No. 158

DIGEST OF SB 158 (Updated January 15, 2004 10:16 am - DI jhm)

**Citations Affected:** IC 36-7.

**Synopsis:** Prohibits a local authority that asserts jurisdiction in floodways or flood plains from adopting an ordinance or taking any action that would prevent a person from extracting mineral resources or forests in any area that is located outside of an "urban area". Provides that an "urban area" includes lands located in a recorded plat of at least two lots for residential purposes contiguous to the municipality. Provides, subject to certain exceptions, that an "urban area" does not include: (1) the two mile area outside of a municipality's boundaries that the municipal plan commission exercises jurisdiction over under the advisory planning law; and (2) a township that joins with a municipality that has an advisory plan commission.

**Effective:** July 1, 2004.

**Lawson C**

January 6, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

January 15, 2004, amended; reassigned to Committee on Governmental Affairs and Interstate Cooperation.

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SB 158—LS 6690/DI 13+



January 16, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 158

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-7-4-1103, AS AMENDED BY P.L.170-2002,  
2 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2004]: Sec. 1103. (a) This section does not  
4 apply to a plan commission exercising jurisdiction in a county having  
5 a population of more than twenty thousand three hundred (20,300) but  
6 less than twenty thousand five hundred (20,500).

7 (b) ADVISORY—AREA. For purposes of this section, urban areas  
8 include **all of the following**:

9 (1) All lands and lots within the corporate boundaries of a  
10 municipality.

11 (2) Any other lands or lots used for residential purposes where  
12 there are at least eight (8) residences within any quarter mile  
13 square area. ~~and~~

14 (3) Other lands ~~or lots~~ **located in a recorded plat of at least two**  
15 **(2) lots that have been or are planned** for residential ~~areas~~  
16 **purposes** contiguous to the municipality.

17 **Except as provided in subdivision (2) and (3), for purposes of this**

SB 158—LS 6690/DI 13+



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1     **section, urban areas does not include territory over which a**  
2     **municipal plan commission is exercising jurisdiction as provided**  
3     **for in section 205 or 1208 of the advisory planning law.**

4     (c) ADVISORY—AREA. This chapter does not authorize an  
5     ordinance or action of a plan commission **or other local authority**  
6     **which asserts jurisdiction in floodways or flood plains** that would  
7     prevent, outside of urban areas, the complete use and alienation of any  
8     mineral resources or forests by the owner or alienee of them.

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SENATE MOTION

Madam President: I move that Senator Skillman be removed as author of Senate Bill 158 and that Senator Lawson C be substituted therefor.

SKILLMAN

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## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Governmental Affairs and Interstate Cooperation.

(Reference is to SB 158 as introduced.)

GARTON, Chairperson

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